

**ABSENTEE VOTING BY MILITARY PERSONNEL**

**AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Benjamin M. McAdams**

House Sponsor: Lynn N. Hemingway

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code by amending provisions related to overseas military absentee voting.

**Highlighted Provisions:**

This bill:

- ▶ amends the deadline for a military voter to apply and cast an absentee ballot;
- ▶ allows an overseas military voter to apply for an absentee ballot electronically; ~~§~~→ [amd]
- ▶ authorizes a county clerk to accept a ballot application for one general election

**instead of two general elections; and ←~~§~~**

- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-3-406**, as last amended by Laws of Utah 2006, Chapter 264

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-3-406** is amended to read:

**20A-3-406. Absentee ballots for military personnel and citizens living overseas --**



28 **Federal postcard applications for ballot.**

29 (1) (a) [~~Applications for absentee ballots for military voters that are~~] An application for  
 30 an absentee ballot for a military voter who is located in the United States shall be filed in the  
 31 county clerk's office no later than the Friday immediately before the day of election.

32 (b) [~~Military personnel~~] A member of the military voting an absentee ballot at the  
 33 office of the clerk shall apply and cast [their] the absentee ballot no later than the ~~§~~ → [f] day [f]  
 33a [Friday] ← ~~§~~  
 34 before the election.

35 (2) (a) (i) [~~Military voters~~] A military voter stationed overseas and an overseas citizen  
 36 [~~voters~~] voter shall file an application for a ballot with the county clerk no later than 20 days  
 37 before the date of the election.

38 (ii) The application for an overseas military voter under Subsection (2)(a)(i) may be  
 39 filed electronically ~~§~~ → as provided in Section 20A-3-408.5 ← ~~§~~ .

40 (b) Upon receipt of a properly completed [~~written~~] application for an absentee ballot  
 41 signed by [~~any~~] a military voter or an overseas citizen voter, the county clerk shall mail an  
 42 appropriate ballot to the military voter or overseas citizen voter.

43 (c) [~~The~~] At the time the ballot is furnished, the county clerk [~~, at the time he furnishes~~  
 44 ~~the ballot,~~] shall record, in a record book provided for that purpose[;]:

45 (i) the name and home address of the military voter or overseas citizen voter to whom  
 46 the ballot is mailed[;];

47 (ii) the address [~~mailed to, and~~] to which the ballot was mailed; and

48 (iii) the date [~~of mailing~~] the ballot was mailed.

49 (d) If the military voter or overseas citizen voter sends [~~his~~] the absentee ballot  
 50 application to the lieutenant governor, the lieutenant governor shall forward the application to  
 51 the county clerk of the county where the military voter or overseas citizen voter is entitled to  
 52 vote.

53 (e) If the county clerk rejects the application for an absentee ballot from a military or  
 54 overseas citizen voter, the county clerk shall inform the voter of the reasons for rejecting the  
 55 application.

56 (3) [~~Any~~] A military voter or overseas citizen voter who is physically disabled [~~so as to~~  
 57 ~~be~~] and unable to see or write may apply for a ballot by having a commissioned,  
 58 noncommissioned, or petty officer not below the rank of sergeant[;] or other person authorized

59 to administer oaths to apply for a ballot on the voter's behalf.

60 (4) (a) A federal postcard application issued under the authority of any Act of Congress  
61 or federal regulation is acceptable, when properly executed, as an application for a ballot under  
62 this chapter.

63 (b) The county clerk shall accept the completed postcard application as an application  
64 for ballots for each election for federal office held in the next ~~§~~→ [two even-numbered years]  
64a general election ←~~§~~ and  
65 shall send the applicant a ballot for each of those elections, as required by Section 20A-3-407.

66 (5) The county clerk shall retain the application for use at the time the ballot is received  
67 from the military voter or overseas citizen voter.

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**Legislative Review Note**  
as of 2-25-10 1:05 PM

**Office of Legislative Research and General Counsel**

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**S.B. 216 - Absentee Voting by Military Personnel Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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